



Application No. (if known): 08/208,972

Attorney Docket No.: 077843.0113

Certificate of Express Mailing Under 37 CFR 1.10

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P.O. Box 1450
Alexandria, VA 22313-1450

on January 23, 2009
Date

Signature

David Schalk

Typed or printed name of person signing Certificate

60,527
Registration Number, if applicable

212-408-2500
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Transmittal Form (1 page)
2. Fee Transmittal (1 page)
3. Disclosure Submission Pursuant to 37 CFR 1.765 (2 pages)
4. Appendix A (2 pages)
5. Return Receipt Postcard; and
6. One copy of Disclosure Submission and Appendix



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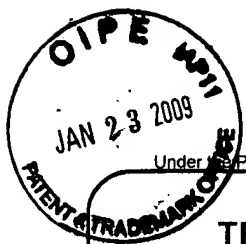
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PTO/SB/21 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

| | |
|------------------------|--------------|
| Application Number | 08/208,972 |
| Filing Date | 03/09/1994 |
| First Named Inventor | Paul G. Yock |
| Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 077843.0113 |

ENCLOSURES (Check all that apply)

| | | |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): -Disclosure Submission Pursuant to 37 CFR 1.765 -Appendix A -One copy of Disclosure Submission and Appendix -Return Receipt Postcard |
| <input type="text"/> Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|--------------------|----------|--------|
| Firm Name | Baker Botts L.L.P. | | |
| Signature | | | |
| Printed name | Jason C. Chumney | | |
| Date | 01/23/2009 | Reg. No. | 54,781 |

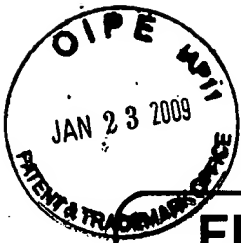
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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|-----------------------|--|------|--|
| Signature | | | |
| Typed or printed name | | Date | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



FEE TRANSMITTAL for FY 2007

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known

| | |
|----------------------|--------------|
| Application Number | 08/208,972 |
| Filing Date | 03/09/1994 |
| First Named Inventor | Paul G. Yock |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | 077843.0113 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

02-4377

Baker Botts L.L.P.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

Extra Claim Fees

| | Extra Claims | Fee | Fee Paid |
|--------------------|----------------------|-------|----------|
| Total Claims | <input type="text"/> | x 52 | = \$0 |
| Independent Claims | <input type="text"/> | x 220 | = \$0 |
| Multiple Dependent | <input type="text"/> | = | \$0 |

SUBTOTAL \$0

| Fee Description | Large Entity | Small Entity |
|---------------------------------------|--------------|--------------|
| Claims in excess of 20 | 52 | 26 |
| Independent claims in excess of 3 | 220 | 110 |
| Multiple dependent claim, if not paid | 390 | 195 |

FEE CALCULATION (continued)

ADDITIONAL FEES

| | |
|--|----------------------|
| <input type="checkbox"/> Surcharge - late oath or filing fee | <input type="text"/> |
| <input type="checkbox"/> Non-English Specification | <input type="text"/> |
| <input type="checkbox"/> Extension for reply within first month | <input type="text"/> |
| <input type="checkbox"/> Extension for reply within second month | <input type="text"/> |
| <input type="checkbox"/> Extension for reply within third month | <input type="text"/> |
| <input type="checkbox"/> Extension for reply within fourth month | <input type="text"/> |
| <input type="checkbox"/> Extension for reply within fifth month | <input type="text"/> |
| <input type="checkbox"/> Notice of Appeal | <input type="text"/> |
| <input type="checkbox"/> Filing a brief in support of an appeal | <input type="text"/> |
| <input type="checkbox"/> Petition to revive - unavoidable | <input type="text"/> |
| <input type="checkbox"/> Petition to revive - unintentional | <input type="text"/> |
| <input type="checkbox"/> Utility Issue Fee | <input type="text"/> |
| <input type="checkbox"/> Design Issue Fee | <input type="text"/> |
| <input type="checkbox"/> Publication Fee | <input type="text"/> |
| <input type="checkbox"/> Petitions to the Commissioner | <input type="text"/> |
| <input type="checkbox"/> Request for Continued Examination (RCE) | <input type="text"/> |
| <input type="checkbox"/> Information Disclosure Statement (IDS) | <input type="text"/> |

Other fee -

SUBTOTAL (\$) 0

SUBMITTED BY

| | | | | | |
|-------------------|------------------|--------------------------------------|------------|-----------|--------------|
| Name (Print/Type) | Jason C. Chumney | Registration No. (Attorney/Agent) | 54,781 | Telephone | 212-408-2500 |
| Signature | | Date | 01/23/2009 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



01/26/09

IFW

PTO/SB/21 (10-07)

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|---|--|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|--------------|--------------------|
| Firm Name | Baker Botts L.L.P. |
| Signature | |
| Printed name | Jason C. Chumney |
| Date | 01/23/2009 |

Reg. No. 54,781

CERTIFICATE OF TRANSMISSION/MAILING

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☐ Applicant claims small entity status. See 37 CFR 1.27

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| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | 077843.0113 |

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☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

02-4377

Baker Botts L.L.P.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

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| | Extra Claims | Fee | Fee Paid |
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| Independent Claims | <input type="text"/> | 220 | \$0 |
| Multiple Dependent | <input type="text"/> | | \$0 |

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| <input type="checkbox"/> Request for Continued Examination (RCE) | <input type="text"/> |
| <input type="checkbox"/> Information Disclosure Statement (IDS) | <input type="text"/> |

Other fee -

SUBTOTAL (\$) 0

SUBMITTED BY

Name (Print/Type) Jason C Chumney
Signature

Registration No. 54,781
(Attorney/Agent)

(Complete if applicable)

Telephone 212-408-2500
Date 01/23/2009

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SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: : U.S. Patent No. 5,451,233 (U.S.S.N. 08/208,972)
Issued: : September 19, 1995 Regulatory Approval Product: XIENCE™ V EECSS
Inventors : Paul G. Yock
For : Angioplasty Apparatus Facilitating Rapid Exchanges

DISCLOSURE SUBMISSION PURSUANT TO 37 CFR § 1.765

SUBMITTED VIA EXPRESS MAIL

Mail Stop: Hatch-Waxman PTE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Disclosure Submissions filed with the United States Patent and Trademark Office (“USPTO”) on September 22, 2008, October 31, 2008, and December 11, 2008, Applicant formally submits herewith information and materials that may be relevant to a determination of entitlement to the extension sought pursuant to 35 U.S.C. § 156 for U.S. Patent No. 5,451,233 (“the ‘233 Patent”). Although not necessarily material or adverse to any such determination, the following information and materials are provided for consideration pursuant to 37 C.F.R. § 1.765.

Appendix A: FDA denial of citizen petition filed by AngioScore, Inc. (FDA Docket No. FDA-2008-P-0473) in which AngioScore unsuccessfully argued that the term of U.S. Patent No. 5,451,233 should not be extended under 35 U.S.C. § 156.

Applicant authorizes the Commissioner to charge any fees and/or credit any overpayments associated with this submission to Baker Botts L.L.P. Deposit Account No. 02-4377, Ref. No. 077843.0113.

Date: January 23, 2009

Respectfully submitted,



Daniel J. Hulseberg
Patent Office Reg. No. 36,554
Attorneys for Applicant
Customer No. 62,614
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112-4498
(212) 408-2500



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: : U.S. Patent No. 5,451,233 (U.S.S.N. 08/208,972)
Issued: : September 19, 1995 Regulatory Approval Product: XIENCE™ V EECSS
Inventors : Paul G. Yock
For : Angioplasty Apparatus Facilitating Rapid Exchanges

DISCLOSURE SUBMISSION PURSUANT TO 37 CFR § 1.765

SUBMITTED VIA EXPRESS MAIL

Mail Stop: Hatch-Waxman PTE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


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Date: January 23, 2009

Respectfully submitted,



Daniel J. Hulseberg
Patent Office Reg. No. 36,554
Attorneys for Applicant
Customer No. 62,614
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112-4498
(212) 408-2500